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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/631,806	08/03/2000	Mario Cantero Brandes	2514-1-001	9144
23565	7590	01/27/2004	EXAMINER AKERS, GEOFFREY R	
KLAUBER & JACKSON 411 HACKENSACK AVENUE HACKENSACK, NJ 07601			ART UNIT 3624	PAPER NUMBER

DATE MAILED: 01/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/631806

Applicant(s)

Brandon

Examiner

Alex G

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11/24/07
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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## DETAILED ACTION

### *Response to Request for Continued Examination(RCE)*

1. This action is issued in response to applicant's Request for Continued Examination (RCE)(Paper #18) and Amendment C(Paper #19) filed 11/24/03.
2. Claim 46 was cancelled. Claims 1-45 were amended.
3. Claims 1-45 as amended, are pending.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-45 as amended, are rejected under 35 USC 103(a) as unpatentable over Heinonen(US Pat. No: 6,418,326) in view of Hannula(US Pat. No: 6,366,893).
6. As per claim 1 Heinonen teaches a system for processing payments between payors and payees using a communication by means of digital telephony(Abstract)(col 2 line 20-col 3 line 59). Heinonen teaches a first server interconnected with a telecommunications means with a storage means(col 5 line 42-col 6 line 3)(Fig 1) including account management means(col 8 line 27-col 9 line 5).Heinomen teaches telecommunications means(col 8 line 10-44)(col 4 lines 38-44).Heinomen further teaches a SIM(subscriber identity module) for user identification(col 4 lines

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55-59). In addition to that taught by Heinomen, Hannula further teaches this(Fig 1)(Fig 2)(Fig 3)(Fig 5/12) as well as a storage means(Fig 4/DB1/DB2) as well as authorization of payments(Fig 6/21/20).Hannula also teaches different terminal equipment(1...N) communicating through different networks(Fig 2). Hannula further teaches a payment system that utilizes electronic payment protocols in a telecommunications network(col 4 lines 4-49) which are end-to-end user protocols(col 6 lines 50-65). Hannula teaches utilizing authorizations in financial transactions(col 2 lines 7-51). It would have been obvious to one skilled in the art at the time of the invention to combine Heinonen in view of Hannula to teach the disclosure. The motivation to combine is to teach an electronic payment system in telecommunications that provides mobile stations with payment mechanisms that would satisfy the needs of as many users as possible and that would not have to be changed for a long time(col 1 lines 50-54)(col 1 line 66-col 2 line 2) as enunciated by Hannula.

7. As per claim 2 Heinonem teaches a system according to claim 1 where the admissiable identification code is given from network address(col 6 lines 25-41).
8. As per claim 3 Heinonem teaches a system according to claim 1 where the verifying means verify the payor's admissible number from a code received(col 8 line 45-63).
9. As per claims 4-8 Heinonem teaches a system according to claim 1. Hannula also teaches wherein the acceptance messages genmeratred by the nth verifying means generates an order to the telecommunications means(Abstract) to communicate with the mobile telephone(col 2 lines 20-55)(Fig 2)(col 4 lines 23-50). It would have been obvious to one skilled in the art at the time

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of the invention to combine Heinonen in view of Hannula to teach part of the above. The motivation to combine is to teach an electronic payment system in telecommunications that provides mobile stations with payment mechanisms that would satisfy the needs of as many users as possible and that would not have to be changed for a long time(col 1 lines 50-54)(col 1 line 66-col 2 line 2) as enunciated by Hannula.

10. As per claims 9-16 Heinonen teaches a system according to claims 7-9,11,1,15 respectively whereby the account management means comprises a first transmission means transmitting credit to an administration and managment server that comprises a payee's data bank(col 3 lines 40-60)(Fig 6)(col 8 lines 45-col 9 line 5)(col 10 lines 1-67).

11. As per claims 17,21-27 Heinonem teaches a system according to claim 15. Hannula further where the verification means verify whether the safety parameter contains a result of a self-verification. Hannula teaches digital money protocols(col 45 line 4-col 5 line 18). Hannula also teaches a price for each product(col 5 lines 31-65) in transactions and money transfer(col 7 lines 31-col 8 line 12). It would have been obvious to one skilled in the art at the time of the invention to combine Heinonen in view of Hannula to teach part of the above and to apply encrytion to the verification process when applied to protocols for networks. The motivation to combine is to teach an electronic payment system in telecommunications that provides mobile stations with payment mechanisms that would satisfy the needs of as many users as possible and that would not have to be changed for a long time(col 1 lines 50-54)(col 1 line 66-col 2 line 2) as enunciated by Hannula.

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12. As per claims 18-19 Heinonen teaches the use of a safety parameter(Fig 4a-1/106)(col 10 lines 22-56).

13. As per claims 30-34 Heinonem teaches according to claim 1. Also, Hannula teaches a storage means(Fig 1)(Fig 2)(Fig 3)(Fig 4/DB1/DB2) as well as authorization of payments(Fig 6/21/20).Hannula teaches utilizing authorizations in financial transactions(col 2 lines 7-51). It would have been obvious to one skilled in the art at the time of the invention to combine Heinonen in view of Hannula to teach part of the above. The motivation to combine is to teach an electronic payment system in telecommunications that provides mobile stations with payment mechanisms that would satisfy the needs of as many users as possible and that would not have to be changed for a long time(col 1 lines 50-54)(col 1 line 66-col 2 line 2) as enunciated by Hannula.

14. As per claims 37-44 Heinonen teaches a server with inquiry means(Fig 4b-1/118/121)(Fig 4b-2/123/125) with respect to telephone numbers and codes.

15. New claim 45 is rejected under the same rationale as delineated in claims 1-44 above.In addition, Heinonen also teaches verifying funds balances(col 8 lines 27-44) as well as storing identifiers(Fig 4a-2/110) and menu applications for the MCU(Fig 4b-1/116).Heinonen further teaches authentication(Fig 5/210). Hannula teaches different payment protocols for security(Fig 1)(col 4 lines 4-50) and a communications network(col 6 line 20-col 7 line 24) as well as a switching means.It would have been obvious to one skilled in the art at the time of the invention to combine Heinonen in view of Hannula to teach part of the above. The motivation to combine

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is to teach an electronic payment system in telecommunications that provides mobile stations with payment mechanisms that would satisfy the needs of as many users as possible and that would not have to be changed for a long time(col 1 lines 50-54)(col 1 line 66-col 2 line 2) as enunciated by Hannula.

***Response to Arguments***

16. Applicant's arguments filed 11/24/03 have been fully considered but they are not persuasive.Heinomen further teaches that the application can be switched to computer mode for transactions and money management(col 10 lines 8-21).Hannula teaches different payment protocols for security(Fig 1)(col 4 lines 4-50) and a communications network(col 6 line 20-col 7 line 24) as well as a switching means.Hannula also teaches different terminal equipment(1...N) communicating through different networks(Fig 2). Heinomen teaches telecommunications means(col 8 line 10-44)(col 4 lines 38-44).Heinomen further teaches a SIM(subscriber identity module) for user identification(col 4 lines 55-59).

***Conclusion***

17. **THIS ACTION IS MADE NON-FINAL.**

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18. Any questions concerning this communication should be addressed to the primary examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the primary examiner are

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unsuccessful, the primary examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-1113.

GRA

  
January 26, 2004

DR. GEOFFREY R. AKERS, P.E.  
PRIMARY EXAMINER